

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TRENT JAMES HENRICKSON,

Case No. 2:20-cv-01676-JAD-NJK

Plaintiff

**ORDER**

v.

CHARLES DANIELS, *et al.*,

Defendants

**I. DISCUSSION**

On September 10, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983, an application to proceed *in forma pauperis*, and a motion for limited leave to proceed *in forma pauperis* absent a financial certificate. Docket Nos. 1, 1-1, 1-2.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff’s application to proceed *in forma pauperis*, Docket No. 1, is incomplete. Plaintiff has not included a financial certificate or an inmate account statement for the previous six-month period with his application. Accordingly, the Court denies Plaintiff’s application to proceed *in*

1 *forma pauperis* without prejudice because the application is incomplete.

2 With respect to Plaintiff's motion for limited leave to proceed *in forma pauperis* absent a  
 3 financial certificate, Docket No. 1-2, Plaintiff's motion is denied without prejudice because the  
 4 request is premature. The Court will grant Plaintiff a **one-time extension** to file a fully complete  
 5 application to proceed *in forma pauperis* on or before **November 13, 2020**. If Plaintiff is not able  
 6 to obtain the required paperwork to file a fully complete application to proceed *in forma pauperis*  
 7 by November 13, 2020, Plaintiff may file another motion for the Court's consideration. However,  
 8 absent unusual circumstances, the Court will not grant any further extensions of time.

9 If Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all  
 10 three required documents on or before **November 13, 2020**, the Court will dismiss this case  
 11 without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all  
 12 three of the documents needed to file a fully complete application to proceed *in forma pauperis* or  
 13 pays the full \$400 filing fee.

14 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 15 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
 16 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file  
 17 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or before  
 18 **November 13, 2020** to proceed with this case.

19 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
 20 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
 21 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

## 22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*  
 24 *pauperis*, Docket No. 1, is **DENIED** without prejudice to file a new fully complete application to  
 25 proceed *in forma pauperis* with all three required documents.

26 IT IS FURTHER ORDERED that Plaintiff's motion for limited leave to proceed *in forma*  
 27 *pauperis* absent a financial certificate, Docket No. 1-2, is **DENIED** without prejudice.

1 IT IS FURTHER ORDERED that the Clerk of Court will send Plaintiff the approved form  
2 application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
3 information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that, on or before **November 13, 2020**, Plaintiff will either  
5 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
6 administrative fee) or file with the Court:

7 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
8 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
9 3),

10 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
11 (i.e. page 4 of this Court's approved form), and

12 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
13 **six-month period.**

14 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
15 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action  
16 on or before **November 13, 2020**, the Court will dismiss this action without prejudice for Plaintiff  
17 to refile the case with the Court, under a new case number, when Plaintiff has all three documents  
18 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$400 filing  
19 fee.

20 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
21 No.1-1, but will not file it at this time.

22 IT IS SO ORDERED.

23 DATED: September 15, 2020.

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26 NANCY J. KOPPE  
27 UNITED STATES MAGISTRATE JUDGE  
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